

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

WRIT PETITION NO. 16654 OF 2006

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Between:

Chakali Mallamma & another

..... Petitioners

AND

The Secretary, District Legal Services
Authority, Medak at Sangareddy & others

.....Respondents

:: O R D E R ::

Counsel for the petitioners : Shri B.S.R.S. Sarma

Counsel for respondent No.1 : Smt. M. Bhaskara Lakshmi

Counsel for respondent Nos.2 and 3 : Government Pleader for
Revenue

Counsel for respondent Nos. 4 and 5: Shri Rajagopalavan Tayi

Dated: 30.11.2006

Per G.S.SINGHVI, CJ

This petition is directed against award dated 22.07.2006 passed by Chairman, Lok Adalat, Sangareddy at Medak in P.L.C.No.2 of 2006.

In paragraph 3 of the affidavit filed by him, petitioner No.1 has averred as under:

“ The petitioners humbly submit that respondents 4 and 5 have filed a petition U/S 12 of the Act 39/87 before the District Legal Services Authority Medak at Sangareddy seeking eviction of the petitioners from the 50 sq. yards of land in Sy.No.374/1 of Rajampet Village, Sangareddy Mandal. Obviously this is an assigned land of the poor people. The 1st petitioner filed a counter before the District Legal Services authority, Medak at Sangareddy stating that the Mandal Revenue Officer, Sangareddy, has issued joint patta certificate in favour of the petitioners on 5.1.1998 vide his Proc.No.B/3939/87 dt. 5.1.1988 to an extent of 50 Sq. yards in Sy.No.374/1, with its measurements as L.25' X W.18' in which the petitioners have constructed a compound wall. The 4th and 5th respondents have encroached our land of trying remove our compound wall. The 4th and 5th respondents for the settlement of encroachment dispute, straight away filed a petition before the District Legal Services Authority, Medak at Sangareddy under this Act 39/87. It is further submitted that the house along with compound wall was constructed by us having obtained permission

from the Municipality, Sangareddy and location Map is submitted herewith. The District Legal Services Authority Medak at Sangareddy straight away passed the present impugned order, concerning the MRO of Revenue Inspector, to dismantle the compound wall, without any conciliation or committing the party as contemplated under Sec.78 of the Act 39/87. Thus, the District Legal Services Authority Medak at Sangareddy has passed this order in excess of their jurisdiction. Thus, it is void and as such the interference of this Hon'ble Court is required. It is further submitted that U/S. 20 of the Act 39/87, cognizance of the comes by the Lok Adalat are ever rated specifically, and the Lower Court has utterly failed to false cognizance of it. Further it is submitted that U/S 22 of the Act 39/87, the power of Lok Adalat for summoning of Attendance of any witness of examining him on oath (2) the discovering of production of any document (3) the recesion of evidence an affidavit (4) requisiting of any public record or document from any Court or office is envisaged and without contained U/S 22(1) of Lok Adalat Act requisite powers to specify its own procedure for the determination of any dispute is laid down."

Learned counsel for respondent Nos. 4 and 5 fairly states that he is not in a position to defend the award under challenge and, therefore, the Court may set aside the same.

We appreciate the candidness with which the learned counsel for respondent Nos. 4 and 5 has conceded that the award of the Chairman, Lok Adalat is legally unsustainable.

Hence, the writ petition is allowed. The award impugned in the writ petition is set aside and the matter is remanded to the

concerned Court for fresh adjudication in accordance with law.

A copy of this order be sent to Member Secretary, Andhra Pradesh State Legal Services Authority who should call for the comments of the officer concerned by giving him two weeks time for the purpose. Thereafter the matter be placed before one of us i.e., the Chief Justice -cum- Patron-in-Chief of Andhra Pradesh State Legal Services Authority.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

ksld
30.11.2006

